

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Melody
R-2

FILE: B-220274

DATE: September 25, 1985

MATTER OF: Loundagin Corporation

DIGEST:

Contracting agency may accept a late bid based on its determination, which the protester does not challenge, that delay in receiving the bid was due to government mishandling.

Loundagin Corporation protests the Navy's failure to award a contract to Loundagin under invitation for bids (IFB) No. N62474-84-B-5054 for painting of water storage tanks at the Naval Facility Centerville Beach, Ferndale, California. We dismiss the protest.

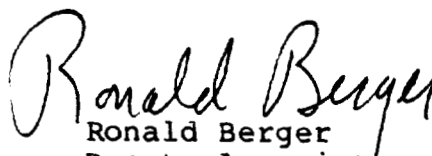
The protester states that on September 6, 1985, the contracting officer advised Loundagin that she would recommend that award be made to Loundagin as the low bidder under the IFB. On September 11, however, the contracting officer informed the protester that another bidder, James-Carl, whose bid was received after bid opening, was the apparent low bidder and would receive the award. According to the protester, the Navy decided to accept James-Carl's late bid because the delay in receiving its bid was due to mishandling by the government.

The basis of Loundagin's protest is that government mishandling under no circumstances authorizes acceptance of a late bid. We disagree. A late bid may be considered for award where it arrives late solely because of government mishandling either in the process of receiving the bid, or after receipt of the bid at the government installation. See Sun International, B-208146, Jan. 24, 1983, 83-1 CPD ¶ 78; Federal Acquisition Regulation § 14.304-1(a)(2) (1984). Here, the contracting agency made a determination, which Loundagin does not challenge, that government mishandling was the cause of the late receipt of the prospective awardee's bid. In light of this determination, the Navy was not precluded from accepting the late bid.

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In addition, contrary to the protester's contention, the fact that the late bid was not opened along with the other bids at the public bid opening is not dispositive, since it was proper for the agency to accept the late bid in this case. In any event, once the bid was received and opened, it was available for public inspection to the same extent as the other bids.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel